

Oral Testimony of Mark Mix,
National Right to Work Committee
H.B. 1106 Colorado Right to Work Bill Hearings
February 11, 2013

My name is Mark Mix. I am the President of the National Right to Work Committee, a 2.8 million member citizens' organization dedicated to the elimination of compulsory unionism. On behalf of our members and of all Right to Work supporters in Colorado, I thank the chairman and members of this committee for taking the time today to examine House Bill 1106, the Colorado Right to Work Bills.

Right to Work simply guarantees working men and women in Colorado the right to decide for themselves whether a labor union deserves their financial support.

Because of their complexity, federal and state labor laws are not well understood by most citizens. I'd like to begin my discussion of Right to Work with a simple illustration that highlights the principle upon which current national and Colorado labor laws rest.

Imagine yourself standing just outside this building when a cab pulls up. You get in with two other passengers. When the driver announces that the cab is on its way to Colorado Springs, you protest, but the other two passengers grab you and tie you up.

The driver ignores your protests.

After an hour's drive, he finally pulls over. The car stops and they untie you. But before they let you go, the driver demands \$100, "For the cab fare," he explains.

"You've got to be kidding," you say. "You forced me to go with you. I had nothing to say about it."

"But you don't understand," they tell you. "We had a vote and the majority rules. And unless you pay your share of the ride, you're a 'free rider.' We have every right to make you pay."

"But I didn't want to go to Colorado Springs," you say. "I'm a kidnap victim!"

In a nutshell, I have just illustrated how federal and state labor laws abuse the freedom of working people to earn an honest living for themselves and their families.

If this taxi ride were to happen for real, the driver of the taxi would be arrested for kidnapping and extortion. Forced unionism makes no more sense.

Under current law in Colorado, employees who never requested union representation can be forced to accept a labor union as their exclusive monopoly bargaining agent. Then, adding insult to injury, they can be forced to pay for representation they never requested and do not want.

You see, the twin sources of Big Labor's power are monopoly bargaining and forced dues.

Despite what you have heard from Colorado's union leaders, federal law does not require them to represent all workers.

They are perfectly free under federal law to negotiate a contract that only sets the terms and conditions for their own voluntary members.

But instead of exercising this perfectly legitimate option, today's union bosses consistently take advantage of the provisions of federal law that give them the tyrannical power to force every worker to submit to their monopoly representation.

By exercising this power, they forbid individual workers to represent themselves.

Then these same union officials turn around and falsely complain that since they represent non-paying workers -- the very same workers whose right to self-representation the union leaders have just stripped away -- they should be entitled to forced dues.

Federal law that was supposedly constructed to "protect" workers actually contains some of the most deliberately misleading language one could imagine. Let me read the essential portion of Section 7 of the National Labor Relations Act, entitled "Rights of Employees":

"Employees shall have the right to self-organization to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities . . ."

Now, what could be fairer than that?

But wait -- let me finish the sentence:

Employees shall have the right to refrain "except to the extent that such right may be affected by an agreement requiring union membership as a condition of employment . . ."

That "except," and the words that follow, have to be one of the most cynical exercises in legislative deception on record.

Fortunately, since 1947, federal law has also allowed states the ability to partially right this wrong by passing a state Right to Work law.

That's why we're here today. I urge you to use this provision in federal law to protect the workers of Colorado by passing a Colorado Right to Work law.

The collection of forced dues is so odious that even the most avid promoters of compulsory unionism are forced to defend it on the basis of expediency, not principle.

In fact, no less an authority than Bill Clinton's former Secretary of Labor, Robert Reich put this most succinctly. As a Harvard lecturer in 1985, Reich gave the following explanation of federal labor law to an Associated Press reporter -- and I quote his exact words:

"In order to maintain themselves, unions have got to have some ability to strap their members to the mast.

"The only way unions can exercise countervailing power vis-à-vis management is to hold their members' feet to the fire . . .

Otherwise, the organization is only as good as it is convenient for any given member at any given time."

Secretary Reich has accurately -- if callously -- described the basic assumption of federal labor law -- that the convenience of union officials must take precedence over the freedom of employees who wish to earn a living for themselves and their families.

Too often, union officials are more driven to maintain their coercive privileges than to win wage and benefit increases for the employees they claim to represent. Let me cite an example.

In March, 1994, A.B. Hirschfeld Press ended the practice of forcing its employees to pay union dues as a condition of employment. One month later, the Denver local of the Graphic Communications Union began a strike in which the forced-dues payments were the only issue. Local 440's Secretary-Treasurer admitted to The Denver Post that the union hierarchy was willing to "accept a pact in which workers would have their wages frozen" but was "adamant that it never will accept Hirschfeld's demand for an 'open shop'."

Although this injustice -- the pressure on employers to barter away employee freedom in exchange for dollar benefits for themselves -- is a very common occurrence, it rarely comes into public view. The particular incident cited here came to light only because union officials were threatening to boycott a Democratic fund-raising event featuring Tipper Gore, the then vice-president's wife, and cosponsored by the plant owner's wife.

Many employers are unwilling -- or unable -- to endure the costs of protracted and violent strikes to protect their

employees from forced-union membership. It should come as no surprise that some employers will leap at the union bosses' offer of lower wages and fewer benefits for all employees if the employer will simply hand the money of union non-members over to the union.

The underlying philosophy of those who believe in the Right to Work principle can be best summed up by the words of Samuel Gompers, founder of the American Federation of Labor, who urged, "devotion to the fundamentals of human liberty -- the principles of voluntarism. No lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which, united, is invincible."

The Right to Work movement is a coalition of employees and employers who speak for all Americans who believe in voluntary rather than compulsory membership. Every Colorado citizen has a stake in restoring conditions which will lead to responsibility and responsiveness on the part of union leadership. Compulsory unionism sets the stage for most of the abuses of union power -- abuses which work to the detriment of all segments of the American public.

In fact, some union leaders do now understand, albeit grudgingly. Several years ago, in Lynchburg, Virginia, a local Steelworkers official told the *Daily Advance*, "It's a strange thing about a right-to-work state . . . We get 100 percent participation during contract negotiations."

After Idaho voters approved a Right to Work referendum in 1986, Idaho's AFL-CIO chief admitted that union organizers would "have to learn something about contacting the worker and asking

him to join, which they haven't had a great amount of experience in."

And having failed to repeal Tennessee's Right to Work Law, the AFL-CIO now must, in the words of AFL-CIO Executive Vice President Linda Chavez-Thompson, "go out into those communities and show (non-members) that we are also members of those communities." Maybe then, Chavez-Thompson speculates, "they will want to join unions." Exactly!

Fred Comer, Executive Director of the teachers union in Iowa, the affiliate of the National Education Association, commented on the NEA's recent and highly controversial action calling for a nationwide "homosexuality awareness month" in all the public schools. Comer was asked if his Iowa NEA affiliate would support that program. His response:

" . . . No we don't support it. Iowa is a Right to Work state, we have to earn our membership. If we supported that, we'd lose too many members."

I bear little hope that Richard Trumka will heed the more than 60 percent of union members who, according to a Zogby poll, support Right to Work. I am more hopeful that you and the other legislators here in Colorado will heed those union members shouting, "I want my union back."

If that isn't enough, I implore the committee to listen to the nearly 80 percent of all Americans who support giving all employees the Right to Work regardless of whether or not they pay union dues.

I ask the members of this committee to side with the majority of Colorado citizens by sending House Bill 1106 to the House floor with your approval.